

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

M&T CAPITAL AND LEASING
CORPORATION,

Plaintiff,

v.

FREON LOGISTICS,

Defendant.

Case No. 2:23-cv-01171-WBS-CSK

ORDER FOR RESPONSE and ORDER
VACATING HEARING

Presently pending before the Court is Plaintiff M&T Capital and Leasing Corporation's second revised motion for default judgment against Defendant Freon Logistics, which was filed on July 3, 2025 and which is set for hearing on August 28, 2025. (ECF No. 42.) Under Local Rule 230(c), Defendant was required to file an opposition or statement of non-opposition to the motion no later than fourteen (14) days after the filing date of the motion, on or by July 17, 2025. Although that deadline has passed, no opposition or statement of non-opposition was filed.

Out of an abundance of caution, and in light of the Court's desire to resolve the action on the merits, the Court will provide Defendant one additional, final opportunity to oppose the motion.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The August 28, 2025 hearing on Plaintiff's second revised motion for default
3 judgment is VACATED;

4 2. Any opposition or statement of non-opposition by Defendant shall be filed
5 within fourteen (14) days from the date of this order, and the reply brief from
6 Plaintiff, if any, is due ten (10) days thereafter;

7 3. Defendant is cautioned that failure to respond to the motion in compliance with
8 this order will be deemed as consent to a summary grant of the motion, and
9 may result in the imposition of a default judgment against it;

10 4. Plaintiff shall promptly serve a copy of this order on Defendant at its last-
11 known address, and contemporaneously file a proof of service with the Court
12 that provides the date and manner of service; and

13 5. After the time period for briefing is complete, the Court will take this matter
14 under submission on the papers without oral argument, pursuant to Local Rule
15 230(g). The Court will reschedule a hearing at a future date, if necessary.

16
17 Dated: July 23, 2025


18 CHI SOO KIM
19 UNITED STATES MAGISTRATE JUDGE

20 4, m&t1171.23